

OCT 25 2020

AO 91 (Rev. 08/09) Criminal Complaint

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)

v.)

Yaramy GUERRA)

YOB: 1999)

COB: U.S.)

Defendant(s)

Case No.

M-20-2282

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 24, 2020 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 841

Title 21 USC 846

Title 21 USC 952

Defendant did conspire to knowingly and intentionally possess with the intent to distribute 3.36 kilograms of Cocaine, a schedule II controlled substance, and attempted to import said controlled substance into the United States.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complaint authorized by AUSA Angel Castro

Submitted by reliable electronic means,
sworn to and attested telephonically
per FRCrP 4.1, & probable cause found on:

Date:

10/25/2020 @ 3:39 PM

City and state:

McAllen, TX

Complainant's signature

Rolando Lerma Jr., HSI Special Agent

Printed name and title

Judge's signature

J. Scott Bracker, U.S. Magistrate

Printed name and title

Attachment "A"

Before the United States Magistrate Judge, Southern District of Texas, I, Rolando Lerma Jr., Special Agent of the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn, depose and say the following:

On October 24, 2020, Homeland Security Investigations (HSI) Special Agent (SA) Rolando Lerma Jr. received information from Customs and Border Protection (CBP) Officers that Yaramy GUERRA, a U.S. Citizen, arrived at the Roma, Texas Port of Entry attempting to make entry into the United States as the driver and sole occupant of a 2006 Pontiac sedan. GUERRA was detained after CBP Officers discovered three packages containing a white powdery substance concealed inside the vehicle operated by GUERRA. The packages had a total weight of 3.36 kilograms and the white powdery substance inside the packages tested positive for cocaine.

CBP Officers stated that GUERRA provided a negative oral declaration to CBP Officers when asked if she was bringing any contraband or merchandise into the country during a primary inspection. GUERRA was subsequently referred to a secondary inspection due to an alert indicating GUERRA was linked to other vehicles discovered with narcotics inside. CBP Officers then discovered anomalies within the vehicle's passenger side door during an x-ray scan and a narcotics detection dog positively alerted to the presence of the odor of narcotics inside the vehicle. CBP Officers then extracted the three packages of cocaine which were concealed inside the rear passenger side door area of the vehicle. CBP Officers also discovered \$200 U.S. dollars concealed inside GUERRA's bra.

HSI Special Agent (SA) Rolando Lerma Jr. read Yaramy GUERRA her Miranda Rights in Spanish. GUERRA stated she understood her rights and was willing to answer questions without an attorney present. GUERRA claimed the vehicle was gifted to her by her boyfriend in Mexico about two weeks ago. GUERRA said she only operated the vehicle in Mexico but then began using the vehicle to enter into the United States about five days ago. GUERRA could not easily recall her boyfriend's last name nor did she have his name saved as a contact on her phone.

GUERRA claimed the vehicle's front passenger side tire was punctured in Mexico and that she left the vehicle in the care of a tire shop in Mexico around 1:00 a.m. GUERRA stated the vehicle was fixed for a fee of \$20 U.S. dollars and that she regained possession of the vehicle around 9:00 a.m. GUERRA said she remained with the vehicle throughout the day in Mexico and later attempted entry into the United States around 4:00 p.m.

GUERRA stated she had the name of the tire shop contact saved as "Señoor" in her phone. GUERRA provided consent to have her phone searched. A search of her phone revealed that

GUERRA and "Señoor" continued to communicate throughout the day well after 9 a.m. and up until she was detained by CBP Officers. At first, GUERRA claimed "Señoor" and her were talking about the tire size so the tire could be fixed. GUERRA was then confronted with her earlier account where she said the tire had already been fixed and that she had regained possession of the vehicle at 9 a.m. GUERRA now claimed that she did not remember talking to "Señoor." GUERRA was asked why she would have the name of the tire shop contact saved in her phone but not the name of her boyfriend who had just gifted her a car. GUERRA indicated she did not know.

GUERRA's story contained inconsistencies and it was brought to her attention that she had a past history of being associated to vehicles she had driven into the United States via the Roma, Texas Port of Entry within the last eight months that are shortly encountered afterwards by law enforcement during narcotic or alien smuggling attempts along the border. SA Lerma was also made aware of an incident in which GUERRA had admitted to CBP Officers in July of 2020 that she was being actively solicited to smuggle narcotics into the United States. GUERRA was asked about this and she admitted to being actively solicited. GUERRA was asked about the money concealed in her bra but she claimed the money was legitimate.

Based upon my knowledge, training, and experience, and as further supported by the facts in this affidavit, I respectfully submit that there is probable cause to believe Yaramy GUERRA violated Title 21 USC 952, Title 21 USC 846, and Title 21 USC 841.